

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEVIN L. MAULE,	)
	) Civil Action
Plaintiff	) No. 04-CV-05933
	)
vs.	)
	)
SUSQUEHANNA REGIONAL POLICE	)
COMMISSION;	)
EAST DONEGAL TOWNSHIP;	)
EAST DONEGAL TOWNSHIP	)
SUPERVISORS;	)
MARIETTA BOROUGH;	)
MARIETTA BOROUGH COUNCIL;	)
CONOY TOWNSHIP;	)
CONOY TOWNSHIP SUPERVISORS;	)
OLIVER C. OVERLANDER, II;	)
ROBERT STRICKLAND;	)
ALLEN ESBENSHADE;	)
DENNIS DRAGER;	)
LORI NAU;	)
STEPHEN MOHR and	)
SAMUEL WIGGINS,	)
	)
Defendants	)

O R D E R

NOW, this 27<sup>th</sup> day of September, 2007, upon consideration of Defendants' Joint Motion to Dismiss Complaint, which motion was filed on behalf of all defendants except Samuel Wiggins on February 8, 2006;<sup>1</sup> upon consideration of Defendant Samuel Wiggin's Motion to Dismiss Plaintiff's Amended Complaint, which motion was filed February 8, 2006;<sup>2</sup> upon consideration of Defendants' Amended Joint Motion to Dismiss Complaint, which

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<sup>1</sup> Plaintiff's Response in Opposition to Defendants' Joint Motion to Dismiss was filed February 22, 2006.

<sup>2</sup> On February 22, 2006 Plaintiff's Response in Opposition to Defendant Samuel Wiggin's Motion to Dismiss Plaintiff's Amended Complaint was filed.

motion was filed September 29, 2006;<sup>3</sup> upon consideration of the briefs of the parties; and for the reasons expressed in the accompanying Opinion, \_\_\_\_\_

\_\_\_\_\_ IT IS ORDERED that defendants' motions to dismiss are granted.

\_\_\_\_\_ IT IS FURTHER ORDERED that Count I of plaintiffs' Amended Complaint relating to claims pursuant to 42 U.S.C. § 1983 alleging violations of procedural and substantive due process under the Fourteenth Amendment of the United States Constitution and for First Amendment retaliation is dismissed pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure.

\_\_\_\_\_ IT IS FURTHER ORDERED that the remaining claims (Counts II through IV) against all defendants are dismissed for lack of subject matter jurisdiction without prejudice to bring these claims in Pennsylvania state court.

\_\_\_\_\_ IT IS FURTHER ORDERED that plaintiff's Amended Complaint filed January 25, 2006 is dismissed.

\_\_\_\_\_ IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Defendants' Amended Motion to Dismiss and Plaintiff's Further Response in Opposition to the Defendants' Motions to Dismiss is dismissed as moot.

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<sup>3</sup> On October 16, 2006 Plaintiff's Motion to Strike Defendants' Amended Motion to Dismiss and Plaintiff's Further Response in Opposition to the Defendants' Motions to Dismiss was filed.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner

James Knoll Gardner  
United States District Judge